UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA (Alexandria Division)

TRIANTAFYLLOS TAFAS,

Plaintiff,

v.

JON W. DUDAS, in his official capacity as Under-Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, and the UNITED STATES PATENT AND TRADEMARK OFFICE,

Defendants.

CIVIL ACTION: 1:07cv846 (JCC/TRJ) and Consolidated Case

UNOPPOSED MOTION AND MEMORANDUM IN SUPPORT OF UNOPPOSED MOTION TO ENLARGE PAGE LIMIT

Plaintiff Triantafyllos Tafas ("Tafas"), by the undersigned counsel, hereby requests that the Court enlarge the page limit for Tafas' rebuttal brief in support of its Motion for Summary Judgment. Neither the USPTO nor plaintiff GSK oppose this motion.

This enlargement is necessary because Plaintiff Tafas is required to respond to two 42+ page briefs filed by the Defendants in Opposition to Plaintiffs' Motions of Summary Judgment, one defendant brief dealing with arguments common to both plaintiffs, and the other defendant brief directed to issues raised solely by Plaintiff Tafas.

NOW THEREFORE, for all the foregoing reasons, Tafas respectfully requests that the Court modify Magistrate Thomas Rawles Jones, Jr.'s Amended Scheduling Order dated December 5, 2007 to enlarge the page limit on Plaintiff Tafas' rebuttal brief in support of its Motion for Summary Judgment from 25 to 40 pages.

Dated: January 31, 2008

Respectfully Submitted,

/s/ Joanna Baden-Mayer Joanna Baden-Mayer (VSB # 67920) KELLEY DRYE & WARREN LLP Washington Harbour, Suite 400 3050 K Street, NW

Washington, DC 20007 Telephone: (202) 342-8400 Facsimile: (202) 342-8451

E-mail: jbaden-mayer@kelleydrye.com

Counsel for Plaintiff Triantafyllos Tafas

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Elizabeth Marie Locke Kirkland & Ellis LLP 655 15th Street, NW, Suite 1200

Washington, DC 20005

Email: elocke@kirkland.com

Craig Crandell Reilly

Richard McGettingan Reilly & West PC

1725 Duke Street, Suite 600 Alexandria, VA 22314

Email: craig.reilly@rmrwlaw.com

Daniel Sean Trainor Kirkland & Ellis LLP

655 15th Street, NW, Suite 1200

Washington, DC 20005

Email: dtrainor@kirkland.com

Counsel for Plaintiffs SmithKline Beecham Corp. d/b/a GlaxoSmithKline, SmithKline Beecham PLC, and Glaxo Group Limited, d/b/a GlaxoSmithKline

Thomas J. O'Brien Morgan, Lewis & Bockius 1111 Pennsylvania Avenue, NW Washington, DC 20004

Email: to'brien@morganlewis.com

Counsel for Amicus American Intellectual Property

Lawyers Association

Dawn-Marie Bey Kilpatrick Stockton LLP 700 13th Street NW Suite 800

Washington, DC 20005 Email: dbey@kslaw.com

Counsel for Amicus Hexas, LLC, The Roskamp Institute, Tikvah Therapeutics, Inc.

James Murphy Dowd

Wilmer Cutler Pickering Hale & Dorr LLP

1455 Pennsylvania Avenue NW

Washington, DC 20004

Email: james.dowd@wilmerhale.com

Counsel for Amicus Pharmaceutical Research and

Manufacturers of America

Randall Karl Miller Arnold & Porter LLP 1600 Tysons Blvd, Suite 900

McLean, VA 22102

Email: randall miller@aporter.com

Counsel for Amici Biotechnology Industry Organization and Monsanto Company

Rebecca M. Carr

Pillsbury Winthrop Shaw Pittman, LLP

2300 N Street, NW Washington, DC 20037

Email: Rebecca.carr@pillsburylaw.com

Scott J. Pivnick

Pillsbury Winthrop Shaw Pittman

1650 Tysons Boulevard McLean, Virginia 22102-4856

Email: Scott.pivnick@pillsburylaw.com

Counsel for Amicus Elan Pharmaceuticals, Inc.

Robert Christian Bertin Swidler Berlin LLP

3000 K Street, NW, Suite 300

Washington, DC 20007 Tel: (202) 373-6672

Email: r.bertin@bingham.com

Counsel for Amicus Bar Association of the District

of Columbia

Robert C. Gill Saul Ewing LLP

2600 Virginia Avenue, NW, Suite 1000

Washington, DC 20037 Tel: (202) 295-6605 Fax: (202) 295-6705 Email: rgill@saul.com

Counsel for Amici BioAdvance, Life Sciences Greenhouse of Central Pennsylvana, and Pittsburgh Life Sciences Greenhouse

Matthew Schruers Computer & Communications Industry Association 900 17th Street, NW, Suite 1100 Washington, DC 20006

Tel.: (202) 783-0070 Fax: (202) 783-0534

Email: mschruers@ccianet.org

Counsel for Amici Public Patent Foundation,
Computer & Communications Industry
Association, AARP, Consumer Federation of
America, Essential Action, Foundation for
Taxpayer and Consumer Rights, Initiative for
Medicines, Access & Knowledge, Knowledge
Ecology International, Prescription Access
Litigation, Public Knowledge, Public Patent
Foundation, Research on Innovation, and Software
Freedom Law Center

Kenneth Carrington Bass, III Sterne, Kessler, Goldstein & Fox 1100 New York Avenue, NW, Suite 600 Washington, DC 20005

Tel: (202) 722-8825 Fax: (202) 371-2540 Email: kbass@skgf.com

Mark Fox Evens Thelen, Reid & Priest, LLP 701 Eighth Street, NW, Fifth Floor Washington, DC 20001-3721

Tel: (202) 722-8888 Email: <u>mevens@skgf.com</u>

Counsel for Amici AmberWave Systems Corporation, Fallbrook Technologies, Inc., InterDigital Communications LLC, Nano-Terra Inc., and Tessera, Inc. Robert E. Scully Jr. Stites & Harbison PLLC 1199 North Fairfax Street, Suite 900 Alexandria, Virginia 22314 (703) 739-4900

Fax: (703) 739-9577 Email: rscully@stites.com

Counsel for Amicus Human Genome Sciences, Inc.

Charles Gorenstein Birch, Stewart, Kolasch and Birch, LLP 8110 Gatehouse Rd., Suite 100 East Falls Church, Virginia 22042 Email: cg@bskb.com

Counsel for Amicus Intellectual Property Institute of the William Mitchell College of Law

Lauren A. Wetzler Assistant United States Attorney Justin W. Williams U.S. Attorney's Building 2100 Jamieson Avenue Alexandria, Virginia 22134 Tel: (703) 299-3752 Fax: (703) 299-3983

Email: Lauren.Wetzler@usdoj.gov

Counsel for All Defendants

Jonathan Dyste Link Townsend and Townsend and Crew LLP 1301 K Street, NW, 9th Floor – East Tower Washington, DC 20005

Tel: (202) 481-9900 Fax: (202) 481-3972

Email: jlink@townsend.com

Counsel for Amicus CFPH, LLC

Blair Elizabeth Taylor Covington & Burling 1201 Pennsylvania Avenue, NW Washington, DC 20004 Tel: (202) 662-5669

Fax: (202) 778-5669 Email: <u>btaylor@cov.com</u>

Counsel for Amicus Intellectual Property Owners Association Kevin Michael Henry Sidley Austin Brown & Wood LLP 1501 K Street, NW Washington, DC 20005 Tel: (202) 736-8000 Email: khenry@sidley.com

Counsel for Amicus Washington Legal Foundation

John C. Maginnis, III 1350 Connecticut Avenue, NW, Suite 301 Washington, DC 20036 Tel: (202) 659-4420 Email: maginnislaw2@verizon.net

Counsel for Amicus CropLife America

Jackson David Toof Robins, Kaplan Miller & Ciresi LLP 1875 Eye Street, NW, Suite 300 Washington, DC 20006 Tel: (202) 857-6130 Fax: (202) 223-8604

Email: toof.jackson@arentfox.com

Counsel for Amici Anchor Wall Systems, Inc., Donaldson Company, Inc., Ecolab, Inc., General Mills, Inc., and Valspar Corporation

Timothy A. Molino Bingham McCutchen LLP 2020 K Street, NW Washington, DC 2006 Tel: (202) 373-6161

Fax: (202) 373-6001

Email: timothy.molino@bingham.com

Counsel for Amicus Federation Internationale Des Conseils En Proprit Industrielle Craig James Franco Odin Feldman & Pittleman PC 9302 Lee Highway, Suite 1100 Fairfax, VA 22031 Tel: (703) 218-2100

Email: craig.franco@ofplaw.com

Counsel for Amici Norseman Group, LLC and Polestar Capital Associates, LLC

David Wayne Long Howrey Simon Arnold & White LLP 1299 Pennsylvania Avenue, NW Washington, DC 20004 Tel: (202) 783-0800

Email: longd@howrey.com

Counsel for Amicus Teles AG Informationstechnologien

Maurice Francis Mullins Spotts Fain PC 411 E Franklin Street, Suite 600 PO Box 1555 Richmond, VA 23218 Tel: (804) 697-2069 Fax: (804) 697-2169

Email: cmullins@spottsfain.com

Counsel for Amici Intel Corporation and Micron Technology, Inc.

I have also caused copies of the foregoing, with attachments, to be sent to the following non-ECF users by first-class mail (where an address has been proved to the Court) or electronic mail (where it has not been):

Ron D. Katnelson Encinatas, CA rkatznelson@roadrunner.com

Amicus curiae Pro Se

Robert Lelkes Geigenbergerstr.3 81477 Munich Germany

Amicus Curiae Pro Se

Jennifer Sue Martinez Stanford Law School 599 Nathan Abbott Way Stanford, CA 94305 Tel: (650) 725-2749

Counsel for Amicus Intellectual Property and Administrative Law and Public Health Professors

/s/ Joanna Baden-Mayer_

Joanna Baden-Mayer (VSB # 67920)
KELLEY DRYE & WARREN LLP
Washington Harbor, Suite 400
3050 K Street, NW
Washington, DC 20007

Telephone: (202) 342-8400 Facsimile: (202) 342-8451

E-mail: jbaden-mayer@kelleydrye.com

Counsel for Plaintiff Triantafyllos Tafas